

AMENDED IN ASSEMBLY JULY 6, 2009

AMENDED IN ASSEMBLY JUNE 23, 2009

AMENDED IN SENATE APRIL 2, 2009

**SENATE BILL**

**No. 483**

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**Introduced by Senator Corbett**

February 26, 2009

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An act to amend Section 2924.8 of the Civil Code, and to amend Section 1161b of the Code of Civil Procedure, relating to mortgages.

LEGISLATIVE COUNSEL'S DIGEST

SB 483, as amended, Corbett. Mortgages: foreclosure.

Upon a breach of the obligation of a mortgage or transfer of an interest in property, existing law requires the trustee, mortgagee, or beneficiary to post a notice of sale, as specified. Existing law also requires that the notice of sale in the case of default be mailed to the resident of the property and posted on the property, as specified. It is an infraction to tear down the notice within 72 hours of posting.

Existing law also requires that a tenant or subtenant in possession of a rental housing unit at the time the property is sold in foreclosure shall be given 60 days' written notice to quit, as specified, before the tenant or subtenant may be removed from the property, as specified.

This bill would revise the content of the notice described above that is required to be posted on the property. The bill would also revise the latter provision to provide that a tenant or subtenant in possession of a rental housing unit at the time the property is sold in foreclosure shall be given 60 days' written notice to quit, as specified, or 90 days if required by any other provision of state or federal law, before the tenant or subtenant may be removed from the property, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2924.8 of the Civil Code is amended to  
2 read:

3 2924.8. (a) Upon posting a notice of sale pursuant to Section  
4 2924f, a trustee or authorized agent shall also post the following  
5 notice, in the manner required for posting the notice of sale on the  
6 property to be sold, and a mortgagee, trustee, beneficiary, or  
7 authorized agent shall mail, at the same time in an envelope  
8 addressed to the “Resident of property subject to foreclosure sale”  
9 the following notice in English and the languages described in  
10 Section 1632: “You are not required to move at this time. However,  
11 the foreclosure process has begun on this property, which may  
12 affect your right to continue to live in this property in the future.  
13 Twenty days or more after the date of this notice, this property  
14 may be sold at foreclosure. If you are renting this property, your  
15 tenancy may continue after the foreclosure sale. In order for the  
16 new owner to evict you, the new owner must provide you with-a  
17 *at least 60 days*’ written eviction notice. However, some laws may  
18 prohibit an eviction. You should contact a lawyer or your local  
19 legal aid or housing counseling agency to discuss any rights you  
20 may have.”

21 (b) It shall be an infraction to tear down the notice described in  
22 subdivision (a) within 72 hours of posting. Violators shall be  
23 subject to a fine of one hundred dollars (\$100).

24 (c) A state government entity shall make available translations  
25 of the notice described in subdivision (a) which may be used by a  
26 mortgagee, trustee, beneficiary, or authorized agent to satisfy the  
27 requirements of this section.

28 (d) This section shall only apply to loans secured by residential  
29 real property, and if the billing address for the mortgage note is  
30 different than the property address.

31 (e) This section shall remain in effect only until January 1, 2013,  
32 and as of that date is repealed, unless a later enacted statute, that  
33 is enacted before January 1, 2013, deletes or extends that date.

34 SEC. 2. Section 1161b of the Code of Civil Procedure is  
35 amended to read:

1     1161b. (a) Notwithstanding Section 1161a, a tenant or  
2 subtenant in possession of a rental housing unit at the time the  
3 property is sold in foreclosure shall be given 60 days' written  
4 notice to quit pursuant to Section 1162, or 90 days if required by  
5 any other provision of state or federal law, before the tenant or  
6 subtenant may be removed from the property as prescribed in this  
7 chapter.

8     (b) This section shall not apply if any party to the note remains  
9 in the property as a tenant, subtenant, or occupant.

10    (c) This section shall remain in effect only until January 1, 2013,  
11 and as of that date is repealed, unless a later enacted statute, that  
12 is enacted before January 1, 2013, deletes or extends that date.